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SEP 19 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, ) No. CR 11-00667 SBA (DMR)  
Plaintiff, )  
v. ) DETENTION ORDER  
ERIK K. NEAL, )  
Defendant. )  
----- )

I. DETENTION ORDER

Defendant Erik K. Neal is charged in an indictment with two counts of possession with intent to distribute controlled substances in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and one count of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm and ammunition). On September 14, 2011, the United States moved for Mr. Neal's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Pretrial Services prepared a full bail study. At the September 19, 2011 hearing before this Court, Defendant waived his right to proffer information and submitted to detention. *See* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine

DETENTION ORDER

CR 11-00667 SBA (DMR)

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cc: Copy to parties via ECF, Lisa, Pretrial Services, 2 Certified copies to  
U.S. Marshal

1 adverse witnesses, and to present information by proffer or otherwise).

2 After considering the limited information available to the Court, and the factors set forth  
3 in 18 U.S.C. § 3142(g), the Court detains Mr. Neal as a danger to the community and finds that  
4 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
5 appearance in this case. See 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
6 1403, 1406 (9th Cir. 1985).

7 II. CONCLUSION

8 The Court detains Mr. Neal at this time. He shall remain committed to the custody of the  
9 Attorney General for confinement in a corrections facility separate, to the extent practicable,  
10 from persons awaiting or serving sentences or being held in custody pending appeal. Defendant  
11 shall be afforded reasonable opportunity for private consultation with counsel. On order of a  
12 court of the United States or on request of an attorney for the Government, the person in charge  
13 of the corrections facility in which Defendant is confined shall deliver Defendant to a United  
14 States marshal for the purpose of an appearance in connection with a court proceeding.

15 IT IS SO ORDERED.

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18 DATED: September 19, 2011  
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DONNA M. RYU  
United States Magistrate Judge